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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,481	11/19/2003	Masahiro Kuroki	0505-1257P	3729
2292	7590	11/29/2006		
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER SPISICH, GEORGE D				
ART UNIT			PAPER NUMBER	
3616				

DATE MAILED: 11/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/715,481	Applicant(s) KUROKI ET AL.	
	Examiner George D. Spisich	Art Unit 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 19 and 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 and 21 is/are rejected.
- 7) ☒ Claim(s) 22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 21 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 21, line 2, it appears that some language is missing after "connected to". Examiner believes the missing language is "the reduction gear".

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2,4,8,10,11,13,17 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by GB 1,240,506 (provided in Applicant's IDS).

GB 1,240,506 discloses a power transmission mechanism for a vehicle for transmitting output of an engine (inherent) to right and left wheels via a transmission (12). Left and right output shafts (2 and 64) are provided apart in a longitudinal direction of a vehicle body.

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One of the left and right output shafts is operatively connected to a forward side of the transmission and operative to a front side of the reduction gearing/transmission and the other of the output shafts is operatively connected to a rear side of the reduction gearing/transmission and are spaced a predetermined distance apart in a longitudinal direction of a vehicle body.

GB '506 comprises a reduction gear as Applicant has argued by means of gearing (4,5 and 16,17) and a differential with gearing as claimed (inherent). GB '506 has reduction gearing including a plurality of gearing having an axis on a common plane. This language does not require that the axes be a common axis. The arrangement of GB '506, even though the gearing is "one below the other", would still be defined as having axes in a common plane.

The arrangement of the left and right gears of the reductions gear of GB '506 is as Applicant has claimed in 8,9 and 18,19.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB 1,240,506 (cited by Applicant) in view of Butterfield et al. (USPN 4,873,879).

GB '506 has been discussed in the previous rejection. However, GB '506 does not disclose a transmission having a belt continuously variable transmission.

Butterfield discloses a transmission having a continuously variable belt. Belt-type CVT's are well known in the transmission art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made modify the transmission of GB '506, so as to include a belt continuously variable transmission as it is a common transmission that could be used and is taught by Butterfield et al.

Claims 5-7 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB 1,240,506 (cited by Applicant) in view of Smyers (USPN 4,546,997).

GB '506 has been discussed in the previous rejection. However, GB '506 does not disclose a suspension arrangement including suspension arms having a shock absorber operatively position between or a bell crank or "swinging mechanism" as claimed.

Smyers discloses a suspension arrangement having left and right suspension arms and a shock absorber (50) operatively positioned between the left and right suspension arms for absorbing shock therebetween. Furthermore, Smyers discloses left and right bell cranks (62) "operatively connected" to a respective one of the suspension arms and the shock absorber. There is a "swinging mechanism" (rod near 12) that is "operatively connected" to the bell cranks and a body frame for allowing left and right oscillation of the body frame. The term "operatively connected" is met by the

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arrangement of Smyers as the suspension arrangement is operative together and therefore operatively connected.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the suspension arrangement of the transmission and driveshaft combination of GB '506, so as to include a suspension for the wheels as taught by Smyers so as to provide a stable and enhanced performing suspension and provide improved handling.

#### ***Allowable Subject Matter***

Claim 21 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

This is based on Examiner's assumption of the missing language.

Claim 22 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

Applicant's arguments filed September 14, 2006 have been fully considered but they are not persuasive.

Applicant has argued that neither GB '506 or Uchiyama et al. includes a reduction gearing arrangement including a plurality of gears each having an axis on a

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common plane. While Examiner has not maintained the rejection in view of Uchiyama et al., GB '506 can be read on this added limitation. Examiner points out that the claim language merely requires that the gears of the reduction gearing each have an axis on a common plane. Examiner maintains that the axis of each of the gears are on a common plane. This language does not require that the axes be the same.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George D. Spisich whose telephone number is (571) 272-6676. The examiner can normally be reached on Monday-Friday 9:00 to 6:30 except alt. Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

George D. Spisich  
November 27, 2006 *GPS*

*Paul N. Dickson* 11/27/06  
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